



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 24, 2021

BY ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Virgil Griffith, 20 Cr. 15 (PKC)

Dear Judge Castel:

The Government respectfully submits this letter in accordance with the Court's direction at yesterday's conference. At the conference, the Court instructed the Government to review the transcript of the proceeding, which the Government has done. (See Feb. 23, 2021 Tr., attached as Exhibit A.) Upon reviewing the transcript, and in light of the record of prior proceedings in this case, the Government agrees to the stipulation (the "Stipulation") proposed by the defense at the conference, as set forth below:

The Government will not present argument or evidence that the information that Mr. Griffith allegedly provided and intended to provide while in North Korea for the Cryptocurrency Conference in April 2019 was beyond the then-existing capabilities and knowledge of the government of the Democratic People's Republic of Korea, but may present evidence that certain individuals at the Conference gained information new to them.

The Government is prepared to agree to this Stipulation in light of the colloquy at the conference clarifying that the Stipulation will not foreclose the Government from introducing otherwise admissible evidence, subject to any appropriate limiting instruction, of the defendant's statements, co-conspirator statements, or events at the Pyongyang conference. (See Feb. 23, 2021 Tr. at 16-19; *id.* at 4-5 (discussing examples of this type of evidence)). The Government further expects that the parties will litigate the admissibility of particular pieces of evidence touching on this subject through *in limine* motion practice, including evidence that the defense may seek to offer.

The motion to compel is
DENIED as moot in view
of the parties' stipulation.
The Clerk shall terminate
the motions (Doc 638
96).
SO ORDERED
JPM
VSDS
3-3-21

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Accordingly, in light of the Stipulation, the Government respectfully submits that the defense's motion to compel a search of files of various government agencies regarding the cryptocurrency and blockchain capabilities of the DPRK should be denied as moot.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

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